S.B. Cr. Revision Petition No. 885/2005
Kump Singh
vs
State of Rajasthan & Ors.

DATE OF ORDER : 8.1.2007

HON'BLE JUSTICE SHRI G.S. SARRAF

Shri Pradeep Shah, for the petitioner.
Shri S.N. Tiwari, Public Prosecutor.
Shri N.S. Bhati, for the respondents nos.2 to 12.

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This revision petition filed by one of the injured persons is directed against the order of learned District & Sessions Judge, Jaisalmer dated 11.8.2005 transferring the case for trial to the Chief Judicial Magistrate under Section 228(1)(a) of Cr.P.C. after discharging the accused under Section 307 IPC and holding that a prima facie case was made out only under Section 147, 148, 341, 323, 325, 452 readwith Section 149 Cr.P.C.

Heard Shri Pradeep Shah, learned counsel for the petitioner, Shri S.N. Tiwari, Public Prosecutor and Shri N.S. Bhati, learned counsel for the respondents nos.2 to 12.

The undisputed facts are that there are four injured persons. The injured Satya Prakash and Hukum Kanwar have received two injuries each by blunt weapon and all the injuries are simple in nature. The injured Berisal Singh has received two

injuries by blunt weapon, out of which one is simple and the other on right hand has been found to be grievous after X ray report. There is thus no grievous injury on his vital part. The injured Kump Singh, who is the petitioner in the present case, has received four injuries. There is no X ray report. None of the injuries have been found to be grievous.

In the facts and circumstances of the case and looking to the injuries on the injured persons, I do not think that the learned District & Sessions Judge, Jaisalmer has committed any error in discharging the accused persons of the offence under Section 307 IPC. The order of the learned District & Sessions Judge, Jaisalmer is in accordance with the facts and law and there is absolute no ground for interference.

The revision petition is, therefore, dismissed.

(G.S. SARRAF), J.

cpgoyal/-